

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**SHAUNNA SCHIMDT, and  
TRISTEN PATTERSON, by and through his  
Next Friend, SHAUNNA SCHIMDT,**

**Plaintiffs,**

**vs.**

**No. CIV-07-995 RB/LAM**

**OfficeMax North America, Inc. and  
Albert Padilla,**

**Defendants.**

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS  
AND RECOMMENDED DISPOSITION (Doc. 23)**

**THIS MATTER** is before the Court on the Magistrate Judge's *Sealed Proposed Findings and Recommended Disposition* (Doc. 111), filed on January 29, 2009. The parties have waived their right to object to the recommended disposition pursuant to 28 U.S.C. § 636(b)(1).

**IT IS THEREFORE ORDERED** that the Magistrate Judge's *Sealed Proposed Findings and Recommended Disposition* (Doc. 111) are **ADOPTED**, *Plaintiffs' [Sealed] Unopposed Motion to Adopt Report of Guardian ad Litem and Stipulation of Dismissal With Prejudice* (Doc. 104) is **GRANTED**, and all of Plaintiffs' claims against Defendants OfficeMax Incorporated and OfficeMax North America, Inc. are **DISMISSED with prejudice**.

**IT IS FURTHER ORDERED** that the guardian *ad litem's* fees and costs be paid as described in the *Sealed Proposed Findings and Recommended Disposition* (Doc. 111).

**IT IS FURTHER ORDERED** that the parties notify the Court in writing of their intention regarding the default judgment against Defendant Padilla and/or the dismissal with prejudice of Plaintiff's claims against Defendant Padilla **within ten (10) days** after entry of this Order.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "Robert C. Brack", is written above a horizontal line.

**ROBERT C. BRACK**  
**UNITED STATES DISTRICT JUDGE**